

Before the Board of Zoning Adjustment, D.C.

Application No. 12069 of Robert Plunkett and John Wilson, Trustee, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Subsection 7104.2 and Section 7109 to change a nonconforming use from a drugstore to an office and art gallery in the R-5-B District at the premises 2162 California Street, N.W. (Square 2530, lot 99)

HEARING DATE: January 21, 1976

DECISION DATE: January 21, 1976 (from the Bench)

FINDINGS OF FACT:

1. The property is located in an R-5-B District.
2. The property is developed with a one-story commercial building.
3. The property is recently being used as an office for a visa service and as a limited art gallery. The last recorded certificate of occupancy, number B-77336, was issued on March 17, 1971 for a drugstore.
4. The proposed use will be a continuation of the visa service, with the art gallery limited to improving the interior appearance of the establishment as well as making it more attractive to the neighborhood. The majority of business is conducted by mail, with little walk-in trade.
5. A drugstore is a use first permitted in a C-1 District. An office and an art gallery are both uses first permitted in the C-1 District.
6. The Municipal Planning Office, by report dated January 14, 1976, recommended approval of the application as consistent with the requirements of the Zoning Regulations.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that both the prior and proposed uses are first permitted in a C-1 District. The Board concludes that, while the use is not a neighborhood facility, it will not be objectionable to the neighborhood. Based on the report of Municipal Planning Office, the Board concludes that the use would not adversely effect the present character or future development of the neighborhood. It is therefore ordered that the application be granted.

VOTE: 3-0 (McIntosh, Lewis and Harps to grant, McCants not voting, Cummings abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: Steven E. Sher
STEVEN E. SHER
Acting Secretary of the Board

FINAL DATE OF THE ORDER: MAR 1 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.